

REMARKS

Claims 20-22 remain pending, and were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Martinez et al. Claim 20 recites "said tubular distal tip having a frustoconical shape, and the diameter of the distal opening being smaller than a portion of the endoluminal therapeutic device for capturing and releasably retaining said portion of the endoluminal therapeutic device." The Examiner indicated that Martinez et al. discloses a tubular distal tip having a frustoconical shape, referring to Figs. 4 and 5 of Martinez et al. In Figs. 4 and 5 of Martinez et al., the opening 50 of the sheath 18 is considerably widened so as not to capture and releasably retain the stent 24. In Fig. 3 of Martinez et al., the opening 50 of the sheath 18 is considerably smaller than the stent 24, but the shape of the distal end of the sheath 18 does not appear to be frustoconical from the side view presented.

Furthermore, in the transverse sectional views shown in Figs 2A and 2B, taken through the distal end at line 2-2 of Fig. 1, the sheath is clearly split in five sections, which would not be the case of a transverse section through a cone. According to Webster's New Collegiate Dictionary, a frustum is the cone-shaped solid next to the base that is formed by cutting off the top by a plane parallel to the base. In Figs. 4 and 5 in Martinez et al., the distal end of the sheath 18 thus appears to open like petals of a flower, not having a frustoconical shape. It is therefore respectfully submitted that Claims 20-22 are novel and inventive over Martinez et al., and that the rejection of Claims 20-22 on the grounds of anticipation by Martinez et al. should be withdrawn.

In light of the foregoing remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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